

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

TUG CONSTRUCTION LLC,

Plaintiff,

v.

HARLEY MARINE FINANCING LLC,

Defendant.

CASE NO. 2:19-CV-00632-BAT

**AMENDED JUDGMENT IN A
CIVIL ACTION**

THIS MATTER came before this Court for trial in 2022. The issues were considered, and a decision of this court was rendered. On November 28, 2022, this court entered a Judgment in a Civil Case herein awarding plaintiff Tug Construction, LLC, judgment in the total amount of \$2,753,561.89 against defendant Harley Marine Financing, LLC. As of November 28, 2022, the federal post-judgment interest rate was 4.76% per annum, compounded annually, as provided by 28 U.S.C. 1961 (the 11/28/2022 Judgment). As of November 28, 2024, the total amount of the judgment, including the compounding of interest, was \$3,021,939.89, with interest continuing to accrue thereon at the rate of \$394.09 per day until the next annual compounding date.

On February 15, 2024, the Ninth Circuit Court of Appeals affirmed this Court's decision. Dkt. 135. On April 2, 2024, the Ninth Circuit Court of Appeals stayed the mandate pending Defendants' appeal to the Supreme Court. Dkt. 137. On October 7, 2024, the Supreme Court denied Defendant's petition for a writ of certiorari (Dkt. 140) and on the same day the Ninth Circuit Court of Appeals issued a mandate that affirmed the Judgment it issued on February 15,

2024, and making that judgment effective as of October 7, 2024. Dkt. 141. On November 18, 2024, the Ninth Circuit Court of Appeals entered an Order awarding Tug Construction, LLC additional legal fees against Harley Marine Financing, LLC totaling \$113,362.10 and amending its previously issued mandate (the "11/18/24 Judgment") (Dkt. 144). The Court having considered the submissions of the parties regarding the amendment to the Judgment; and good cause having been shown; it is **ORDERED** that the 11/28/22 Judgment be, and hereby is, amended as follows:

1. Pursuant to the 11/28/22 Judgment, Tug Construction, LLC was awarded a Judgment against Harley Marine Financing, LLC in the amount of \$2,753,561.89. The applicable rate for post-judgment interest on that Judgment was 4.76% per annum, compounded annually pursuant to 28 U.S.C. § 1961. The total amount of the Judgment entered in favor of plaintiff Tug Construction, LLC against defendant Harley Marine Financing, LLC as of November 28, 2024, with compounding of interest pursuant to 28 U.S.C. § 1961, is in the amount of \$3,136,070.74, with interest continuing to accrue thereon from November 28, 2024 at the rate of 4.76% per annum, compounded annually pursuant to 28 U.S.C. § 1961, until paid in full.

2. Pursuant to the 11/18/24 Judgment of the Court of Appeals, Tug Construction, LLC was awarded additional legal fees against Harley Marine Financing, LLC in the additional amount of \$113,362.10. The Judgment in favor of Tug Construction, LLC against Harley Marine Financing, LLC is amended to include the amount of the fee award of \$113,362.10. The applicable rate for post-judgment interest on that award is 4.35% per annum, accruing from November 18, 2024, and compounded annually pursuant to 28 U.S.C. § 1961, until paid in full.

DATED this 13th day of December 2024.



BRIAN A. TSUCHIDA
United States Magistrate Judge